

### **REMARKS/ARGUMENTS**

By the present amendment claims 24 and 36 have been amended as set out below and claims 16, 17, 20, 21, 23, 27-30, 32-34 and 43-46 have been canceled. In the final Office Action dated January 27, 2010 the Examiner found claims 1-10, 13-15 and 42 to be allowable.

The amendments to the claims have been made without prejudice or disclaimer and without acquiescing to any of the Examiner's objections. The Applicants reserve the right to file any of the canceled subject matter in a divisional patent application. The Applicants submit that no new subject matter has been added by way of the present amendment and entry of the claim amendments is respectfully requested.

The final Office Action dated January 27, 2010 has been carefully considered. It is believed that the claims submitted herewith and the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

#### **Claim Objections**

The Examiner objected to claims 24-26, 36, 38-40 and 47-49 as being dependent upon a rejected base claim but noted that the claims would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims.

In response, claim 24, upon which claims 25-26 are dependent, has been amended to an independent claim and to include all the limitations of claim 16 upon which it previously was dependent. The optional element of a magnetic resonance spectrometer present in claim 16 has not been incorporated into claim 24.

Claim 36, upon which claims 38–40 and 47–49 are dependent, has been amended to an independent claim and to include all the limitations of claim 30 upon which it previously was dependent. The optional element of a magnetic resonance spectrometer present in claim 30 has not been incorporated into claim 36.

In view of the above, the Applicant respectfully requests that the Examiner's objections to claims 24–26, 36, 38–40 and 47–49 be withdrawn.

**35 U.S.C. § 103(a)**

The Examiner objected to claims 16, 17, 23, 27–30, 43, 44 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Alvarez. The Examiner objected to claims 20, 32, 33 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Alvarez in view of Khoury et al. The Examiner also objected to claims 21 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Alvarez in view of Ebbels et al.

The Applicant respectfully submits that none of the prior art cited by the Examiner renders claims 16, 17, 23, 27–30, 43, 44 or 46 obvious. However, in order to expedite prosecution of the remaining claims in the current application, claims 16, 17, 20, 21, 23, 27–30, 32–34 and 43–46 have been canceled.

In view of the above, the Applicant respectfully requests that the Examiner's objections under 35 U.S.C. § 103(a) be withdrawn.

**Conclusion**

The Applicant respectfully submits that this case is now in condition for allowance and requests that the Examiner's objections be withdrawn and a timely Notice of Allowance be issued. If any additional fees *necessary* to keep the present case pending and/or to protect the filing date are due, or any overpayment has been made, authorization is

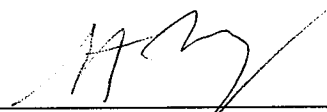
hereby given to charge or credit Deposit Account No. 02-2095 for any deficiencies or overages in connection with this response.

The Examiner is requested to contact the undersigned by telephone or e-mail to address any issues that can expedite this case.

Respectfully submitted,

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